

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2345

98TH GENERAL ASSEMBLY

6100H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 71.610, 168.133, 304.060, and 304.044, RSMo, and to enact in lieu thereof four new sections relating to transportation of persons and property and roadway operations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 71.610, 168.133, 304.060, and 304.044, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 71.610, 168.133, 304.060, and
3 304.044, to read as follows:

71.610. 1. No municipal corporation in this state shall have the power to impose a
2 license tax upon any business, avocation, pursuit or calling, unless such business, avocation,
3 pursuit or calling is specially named as taxable in the charter of such municipal corporation, or
4 unless such power be conferred by statute.

5 2. **Notwithstanding any other provision of law, any municipality that imposes a**
6 **local excise or sales tax enacted under Article IV section 30(a) of the Missouri Constitution**
7 **shall use no less than ninety percent of such funds collected for the construction,**
8 **reconstruction, maintenance, and repair of roads and streets and for the payment and**
9 **interest on indebtedness incurred on account of road and street purposes, and no more**
10 **than ten percent of such funds collected for policing, signing, lighting, and cleaning roads**
11 **and streets.**

168.133. 1. The school district shall ensure that a criminal background check is
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils
3 and prior to the individual having contact with any pupil. Such persons include, but are not
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 cooks, and nurses. The school district shall also ensure that a criminal background check is
6 conducted for school bus drivers. The district may allow such drivers to operate buses pending
7 the result of the criminal background check. For bus drivers, the school district shall be
8 responsible for conducting the criminal background check on drivers employed by the school
9 district. For drivers employed by a pupil transportation company, **a municipality, or any other**
10 **entity** under contract with the school district, the criminal background check shall be conducted
11 pursuant to section 43.540 and conform to the requirements established in the National Child
12 Protection Act of 1993, as amended by the Volunteers for Children Act. Personnel who have
13 successfully undergone a criminal background check and a check of the family care safety
14 registry as part of the professional license application process under section 168.021 and who
15 have received clearance on the checks within one prior year of employment shall be considered
16 to have completed the background check requirement. A criminal background check under this
17 section shall include a search of any information publicly available in an electronic format
18 through a public index or single case display.

19 2. In order to facilitate the criminal history background check, the applicant shall submit
20 a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol.
21 The fingerprints shall be used by the highway patrol to search the criminal history repository and
22 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
23 history files.

24 3. The applicant shall pay the fee for the state criminal history record information
25 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee
26 determined by the Federal Bureau of Investigation for the federal criminal history record when
27 he or she applies for a position authorized to have contact with pupils pursuant to this section.
28 The department shall distribute the fees collected for the state and federal criminal histories to
29 the Missouri highway patrol.

30 4. The department of elementary and secondary education shall facilitate an annual check
31 of employed persons holding current active certificates under section 168.021 against criminal
32 history records in the central repository under section 43.530, the sexual offender registry under
33 sections 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183.
34 The department of elementary and secondary education shall facilitate procedures for school
35 districts to submit personnel information annually for persons employed by the school districts
36 who do not hold a current valid certificate who are required by subsection 1 of this section to
37 undergo a criminal background check, sexual offender registry check, and child abuse central
38 registry check. The Missouri state highway patrol shall provide ongoing electronic updates to
39 criminal history background checks of those persons previously submitted, both those who have
40 an active certificate and those who do not have an active certificate, by the department of

41 elementary and secondary education. This shall fulfill the annual check against the criminal
42 history records in the central repository under section 43.530.

43 5. The school district may adopt a policy to provide for reimbursement of expenses
44 incurred by an employee for state and federal criminal history information pursuant to section
45 43.530.

46 6. If, as a result of the criminal history background check mandated by this section, it is
47 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or
48 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
49 similar crime or offense committed in another state, the United States, or any other country,
50 regardless of imposition of sentence, such information shall be reported to the department of
51 elementary and secondary education.

52 7. Any school official making a report to the department of elementary and secondary
53 education in conformity with this section shall not be subject to civil liability for such action.

54 8. For any teacher who is employed by a school district on a substitute or part-time basis
55 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
56 not require such teacher to be subject to any additional background checks prior to having
57 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
58 restricting a school district from requiring additional background checks for such teachers
59 employed by the school district.

60 9. A criminal background check and fingerprint collection conducted under subsections
61 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one
62 school district to another district. A school district may, in its discretion, conduct a new criminal
63 background check and fingerprint collection under subsections 1 and 2 for a newly hired
64 employee at the district's expense. A teacher's change in type of certification shall have no effect
65 on the transferability or validity of such records.

66 10. Nothing in this section shall be construed to alter the standards for suspension,
67 denial, or revocation of a certificate issued pursuant to this chapter.

68 11. The state board of education may promulgate rules for criminal history background
69 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
70 section 536.010, that is created under the authority delegated in this section shall become
71 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
72 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
73 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
74 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
75 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
76 void.

304.044. 1. The following terms as used in this section shall mean:

(1) "Bus", any vehicle or motor car designed and used for the purpose of carrying more than seven persons;

(2) "Truck", any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon the highways.

2. The driver of any truck or bus, when traveling upon a public highway of this state outside of a business or residential district, shall not follow within three hundred feet of another such vehicle; provided, the provisions of this section shall not be construed to prevent the overtaking and passing, by any such truck or bus, of another similar vehicle.

3. Any person who shall violate the provisions of this section shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished accordingly.

4. This section and section 304.017 shall not apply to a connected vehicle technology testing program that uses networked wireless communication among vehicles, infrastructure, or communications devices. Any connected vehicle technology testing program shall be limited to the operation of trucks on the public highways of this state and shall be approved by the state highways and transportation commission before such technology shall be used in Missouri. Any connected vehicle technology testing program shall be further limited to operating multiple or single pairs of no more than two vehicles in a single convoy or formation.

5. The highways and transportation commission is authorized to promulgate administrative rules that are reasonable and necessary to approve and implement a connected vehicle technology testing program. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

6. Pursuant to section 23.253, of the Missouri Sunset Act:

(1) The provisions of the connected vehicle technology testing program authorized under subsections 4 and 5 of this section shall automatically sunset six years after the effective date of this section unless reauthorized by an act of the general assembly; and

35 **(2) If such program is reauthorized, the connected vehicle technology testing**
36 **program authorized under subsections 4 and 5 of this section shall automatically sunset**
37 **twelve years after the effective date of the reauthorization of this section; and**

38 **(3) Subsection 6 of this section shall terminate on September first of the calendar**
39 **year immediately following the calendar year in which the connected vehicle technology**
40 **testing program authorized under subsections 4 and 5 of this section is sunset.**

 304.060. 1. The state board of education shall adopt and enforce regulations not
2 inconsistent with law to cover the design and operation of all school buses used for the
3 transportation of school children when owned and operated by any school district or privately
4 owned and operated under contract with any school district in this state, and such regulations
5 shall by reference be made a part of any such contract with a school district. The state board of
6 education may adopt rules and regulations governing the use of other vehicles owned by a district
7 or operated under contract with any school district in this state and used for the purpose of
8 transporting school children. The operator of such vehicle shall be licensed in accordance with
9 section 302.272, and such vehicle shall transport no more children than the manufacturer
10 suggests as appropriate for such vehicle. The state board of education may also adopt rules and
11 regulations governing the use of authorized common carriers for the transportation of students
12 on field trips or other special trips for educational purposes. Every school district, its officers
13 and employees, and every person employed under contract by a school district shall be subject
14 to such regulations. The state board of education shall cooperate with the state transportation
15 department and the state highway patrol in placing suitable warning signs at intervals on the
16 highways of the state.

17 **2. Notwithstanding the provisions of subsection 1 of this section, any school board**
18 **in the state of Missouri may contract with any municipality for the purpose of transporting**
19 **school children. Municipalities entering into any such contract shall comply with the**
20 **requirements of this section and sections 162.064, 162.065, 168.133, and 307.375.**

21 **3.** Any officer or employee of any school district who violates any of the regulations or
22 fails to include obligation to comply with such regulations in any contract executed by him on
23 behalf of a school district shall be guilty of misconduct and subject to removal from office or
24 employment. Any person operating a school bus under contract with a school district who fails
25 to comply with any such regulations shall be guilty of breach of contract and such contract shall
26 be cancelled after notice and hearing by the responsible officers of such school district.

27 **[3.] 4.** Any other provision of the law to the contrary notwithstanding, in any county of
28 the first class with a charter form of government adjoining a city not within a county, school
29 buses may bear the word "special".

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